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and Suchandra Thapa

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

JOSHUA BOKELMAN and  
SUCHANDRA THAPA,  
individually and on behalf of all  
others similarly situated,

Plaintiffs,

vs.

FCH ENTERPRISES, INC.

Defendant.

Civil No. 18-00209 RJB-RLP  
(Class Action)

**PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT;  
MEMORANDUM IN SUPPORT OF  
MOTION; CERTIFICATE OF  
COMPLIANCE WITH LOCAL  
RULE 7.5; DECLARATION OF  
MICHAEL LISKOW, EXHIBITS  
"A" – "E"; CERTIFICATE OF  
SERVICE**

**PLAINTIFFS' MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs JOSHUA BOKELMAN and SUCHANDRA THAPA ("Plaintiffs"), through their undersigned counsel, respectfully move this Court for an order preliminarily approving the proposed Settlement of this class action. As demonstrated herein, the proposed Settlement is fair, reasonable, and adequate under the governing standards within the Ninth Circuit and warrants preliminary approval of this Court.

This Motion is made pursuant to Federal Rule of Civil Procedure 23(e) and is supported by the accompanying memorandum of law, declaration(s) and exhibits thereto, the records filed herein, and such other and further evidence and arguments as allowed by the Court.

Plaintiffs move for the Court to enter an order (the “Preliminary Approval Order”) that:

- Grants class certification for settlement purposes only of the following proposed settlement class under Rule 23(b)(3):

all residents of the United States who used a credit or debit card to make a purchase at any FCH Restaurant<sup>1</sup> during the Class Period. The Settlement Class specifically excludes: (i) FCH and its officers and directors; (ii) all Settlement Class Members who successfully Opt Out from the Settlement Class; (iii) the Judge or Magistrate Judge to whom the action is assigned and any member of those Judges’ staffs or immediate family members; and (iv) any other person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the Security Incident or who pleads *nolo contendere* to any such charge.

- Preliminarily approves the proposed Settlement as fair, reasonable, and adequate;
- Appoints Plaintiffs as Settlement Class Representatives and Plaintiffs’ counsel as Class Counsel;
- Directs notice to be disseminated to Settlement Class Members in the form and manner proposed by the parties as set forth in the Settlement Agreement and the Exhibits thereto;
- Appoints CPT Group, Inc. (CPT) to serve as the Claims Administrator;

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<sup>1</sup> Capitalized terms not otherwise defined herein have the same meanings as in the Settlement Agreement and Release dated November 16, 2018 (the “Settlement Agreement” or “SA”), filed concurrently herewith.

and

- Sets deadlines for class notice to be sent, exclusion and objection deadlines, and a hearing date and schedule for final approval of the Settlement and consideration of Class Counsel's fee application, as set forth in the following agreed-upon schedule:

<b>EVENT</b>	<b>DATE</b>
Notice of Class Action Settlement completed as per Notice Plan	60 days after entry of Preliminary Approval Order
Class Counsel Motion for Attorneys' Fees and Costs	90 days after entry of Preliminary Approval Order
Motion for Final Approval	35 days prior to Final Approval Hearing
Opt-Out and Objection Deadline	120 days after entry of Preliminary Approval Order
Claims Filing Deadline	180 days after entry of Preliminary Approval Order
Reply in Support of Motion for Final Approval and Attorneys' Fees and Costs	14 days prior to Final Approval Hearing
Final Approval Hearing	25 days or more after Opt-Out and Objection Deadlines

DATED: Honolulu, Hawaii, November 16, 2018.

/s/ Bridget G. Morgan  
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